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STATE OF VERMONT
ORLEANS COUNTY, ss

Orleans Superior Court
Docket No. 106-5-02-0sev

DALE CARPENTER
Plaintiff
v.

FILED

BRADLEY MANN
Defendant

2:02-cv-144 MAY -7 2002

**ORLEANS COUNTY
SUPERIOR COURT**

COMPLAINT AND JURY TRIAL DEMAND

COMES NOW the Plaintiff, Dale Carpenter, by and through counsel, and complains of Defendant as follows:

1. The Plaintiff, Dale Carpenter, is over 18 years old and resides in West Charleston, Vermont;
2. The Defendant, Bradley Mann, is over 18 years old and is employed by the Vermont Department of Fish and Wildlife as a State Game Warden. He is being sued in both his individual and official capacity as a Vermont State law enforcement officer;
3. On November 26, 2000, Plaintiff Carpenter was operating a town truck and was applying sand to icy roads;
4. While Plaintiff was sanding Dane Hill Road, Defendant Mann, State Game Warden who was assisting the driver of a vehicle that had slid off the road, became angry and upset at Plaintiff;
5. When Defendant continued to holler and curse at him, Plaintiff stopped his truck and got out;
6. Defendant then was in a complete rage and out of control, using profanities when he addressed Plaintiff;

7. On November 29, 2000 Plaintiff wrote a letter to Lt. Robert Baird, Defendant Mann's supervisor, to complain of Defendant's behavior on November 26, 2000. In the letter, Plaintiff indicated that he was "fearful that Mr. Mann does not have control of his temper." He asked Lt. Baird to investigate his complaint against Defendant Mann.

8. On November 28, 2000 Plaintiff met with Lt. Baird and Defendant Mann to discuss Plaintiff's complaint against Defendant Mann. During the meeting Defendant Mann continued to use profane language and was told by Lt. Baird to stop using such language.

9. On December 7, 2000, in retaliation for the complaint filed by Plaintiff, Defendant Mann, under the color of law, issued Plaintiff a traffic ticket alleging that Plaintiff had failed to comply with the order of a law enforcement officer on November 26 2000 in violation of 23 V.S.A. §1013.

10. On January 24, 2002, the Orleans County State's Attorney dismissed the traffic complaint that was then pending in the Vermont District Court, Doc.No. 4-10-01 Osta.

11. At all times material to this Complaint, Defendant Bradley Mann acted under color of the statutes, customs, ordinances, and usage of the State of Vermont and the Vermont Department of Fish and Wildlife.

Count I - 42 U.S.C. §1983

12. Plaintiff repeats, realleges and incorporates herein paragraphs 1 through 11.

13. On December 7, 2000, Defendant Mann issued a traffic citation to Plaintiff in retaliation for Plaintiff's complaint about Defendant's profanity-laced tirade on Dane Hill Road on November 26, 2000.

13. As a result of Defendant's actions, Defendant deprived Plaintiff of his rights under the Fourth and Fourteenth Amendment to the United States Constitution and in violation of 42 U.S.C. §1983.

14. Defendant Mann acted knowingly, recklessly, or with deliberate indifference and callous disregard of Plaintiff's rights.

15. As a direct and proximate result of Defendant's conduct, Plaintiff suffered damages.

Count II - Malicious Prosecution

16. Plaintiff repeats, realleges and incorporates herein Paragraphs 1 through 15 of this Complaint.

17. Defendant's conduct was wilful and wanton, calculated to cause Plaintiff harm and undertaken with deliberate indifference to, or in reckless disregard of Plaintiff's rights.

17. Defendant's actions constitute malicious prosecution under the laws of Vermont.

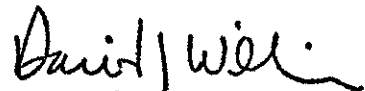
18. As a direct and proximate result of Defendant's conduct, Plaintiff suffered damages.

WHEREFORE, Plaintiff demands as judgment compensatory damages, punitive damages, interest, costs, and attorney's fees.

Plaintiff hereby demands a trial by jury.

DATED: May 6, 2002

Respectfully submitted

A handwritten signature in cursive script, appearing to read "David J. Williams".

David J. Williams, Esq.
Attorney for Mr. Carpenter